

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN ELECTRICAL EMPLOYEES'
PENSION FUND, Trustees of; *et al*,

Plaintiffs,

v

CORNISH ELECTRICAL, INC., d/b/a
RO-LYN ELECTRICAL, INC. and
LINDA CORNISH,

Defendants.

Case No. 1:07-CV-832

Hon. Paul L. Maloney
Mg. Judge Ellen S. Carmody

**CONSENT ORDER (i) ADDING PARTY DEFENDANT,
(ii) AMENDING CASE CAPTION TO ADD PARTY
DEFENDANT, AND (iii) AMENDING JUDGMENT**

THIS MATTER having come before this Court upon the stipulation of the parties, the Court finding good cause for entry of this order and being otherwise fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Rowland Ellsworth Cornish, III is hereby added as a party defendant to this matter, in addition to Defendants Cornish Electrical, Inc., d/b/a Ro-Lyn Electrical, Inc. and Linda Cornish.
2. The case caption in this matter is amended and shall hereinafter read as follows:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN ELECTRICAL EMPLOYEES'
PENSION FUND, Trustees of; *et al*,

Plaintiffs,

v

CORNISH ELECTRICAL, INC., d/b/a
RO-LYN ELECTRICAL, INC., LINDA
CORNISH, individually, and ROWLAND
ELLSWORTH CORNISH, III, a/k/a ROWLAND
CORNISH, individually, jointly and severally,

Defendants.

Case No. 1:07-CV-832

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3. The Judgment entered on September 2, 2009 in favor of Plaintiffs and against Defendants Cornish Electrical, Inc., d/b/a Ro-Lyn Electrical, Inc. and Linda Cornish in the amount of \$164,364.58, plus interest at the rate of 8.00% per annum from August 16, 2007 through the date of entry of the Judgment [Docket No. 17] is amended such that the Judgment is entered in favor of Plaintiffs Michigan Electrical Employees' Pension Fund, *et al* and against Defendants Cornish Electrical, Inc., d/b/a Ro-Lyn Electrical, Inc., Linda Cornish, individually, and Rowland Ellsworth Cornish, III, a/k/a Rowland Cornish, individually, jointly and severally, in the amount of \$164,364.58, plus interest at the rate of 8.00% per annum from August 16, 2007 through the date of entry of the Judgment, less a credit for all amounts paid by Defendants under the Settlement Agreement (the "Judgment").

4. Post-judgment interest shall accrue on the Judgment as provided for in 28 U.S.C. §1961, and Plaintiffs shall have full rights of execution thereon.

5. Defendant Cornish Electrical, Inc., d/b/a Ro-Lyn Electrical, Inc., by and through its officer, Rowland Cornish, shall hereinafter (i) comply with all provisions of the collective bargaining agreements applicable to it, (ii) remain absolutely current on all fringe benefit contribution payments and liquidated damages due and owing to the Plaintiffs, and (iii) timely prepare and submit to the Plaintiffs all required fringe benefit contribution reports.

6. In the event that Defendants fail to comply with paragraph 5 above, Plaintiffs are, among any and all further remedies, such remedies being expressly preserved, granted leave to seek an amendment to this judgment to incorporate any further indebtedness accrued by Defendants to Plaintiffs.

7. Nothing contained in this Order is an adjudication of liability of Defendant Rowland Ellsworth Cornish, III, a/k/a Rowland Cornish, under the Michigan Building Contract Fund Act, MCLA 570.151 *et seq.* (the "Act"), or under §523 of the United States Bankruptcy Code, 11 U.S.C. §101 *et seq.* (the "Code"), provided, however, any and all claims that Plaintiffs have, or may have, against Rowland Ellsworth Cornish, III, a/k/a Rowland Cornish under or arising out of the Act or the

Code, are fully preserved and any and all defenses that Defendant has, or may have, to such claims are fully preserved.

8. This Court shall retain jurisdiction over this matter for purposes of enforcement of the provisions of this Consent Order and Judgment.

DATED: November 30, 2009

/s/ Paul L. Maloney
UNITED STATES DISTRICT JUDGE

Approved for entry:

ERMAN, TEICHER, MILLER,
ZUCKER & FREEDMAN, P.C.

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